

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**LYNDEE HARRISON,**

**Plaintiff,**

**vs.**

**STATE FARM FIRE AND CASUALTY  
COMPANY,**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**CASE NO.** CIV-14-1219-R

**JURY DEMANDED**

**DEFENDANT STATE FARM FIRE AND CASUALTY COMPANY'S  
NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

PLEASE TAKE NOTICE that Defendant, State Farm Fire and Casualty Company ("State Farm"), hereby files its Notice of Removal ("Notice"). In support hereof, State Farm would respectfully show the Court as follows:

**BASIS OF REMOVAL**

1. On or about December 11, 2013, Plaintiff (herein so called) filed her Original Petition ("Complaint") in the matter entitled *Lyndee Harrison v. State Farm Fire and Casualty Company and Janis Yearout Insurance Agency, Inc.*, in the District Court in and for Cleveland County, State of Oklahoma. A copy of the Complaint is attached as Exhibit "1" hereto, incorporated herein, and made a part hereof for all purposes.

2. Summons was issued upon State Farm on or about December 11, 2013. Attached hereto as Exhibit "2" is a true and correct copy of the Summons issued to State Farm.

3. As reflected in Plaintiff's Complaint, the amount in controversy in this case is in excess of \$75,000, thereby allowing State Farm to remove the case. *See* Exhibit 1 at 3, 5, 7, 9, 11, and Prayer for Relief.

4. State Farm was and is a corporation organized in Illinois, with its principal place of business in Bloomington, McLean County, Illinois. Upon information and belief, Plaintiff is a citizen of Cleveland County, Oklahoma. Former non-diverse Defendant Janis Yearout Insurance Agency, Inc., was dismissed by Plaintiff on October 31, 2014. Exhibit 3.

5. This Court has original jurisdiction over the matters made the basis of this lawsuit pursuant to 28 U.S.C. § 1332 in that (1) the Plaintiff is an Oklahoma citizen; (2) Plaintiff is completely diverse from State Farm and; (3) the requisite amount in controversy has been satisfied on the face of Plaintiff's Complaint.

6. Venue is proper because Cleveland County is located within the Western District of Oklahoma. 28 U.S.C. § 1441(a).

7. Since State Farm's Notice was filed within thirty days after receipt of Plaintiff's dismissal of Janis Yearout Insurance Agency, Inc., this Notice is timely.

8. Additionally, State Farm files contemporaneously herewith all pleadings or other documents on file in the State Court matter (Exhibits 5 - 22), including a copy of the Court's docket sheet, attached hereto as Exhibit 4, with the exception of the Plaintiff's Complaint attached hereto as Exhibit 1, Summons issued to State Farm attached hereto as Exhibit 2, and Plaintiff's Dismissal without Prejudice of Defendant Janis Yearout attached hereto as Exhibit 3.

WHEREFORE, PREMISES CONSIDERED, Defendant State Farm Fire and Casualty Company, pursuant to and in conformity with the requirements set forth in 28 U.S.C. § 1446, removes Case No. CJ-2013-1492 in the District Court of Oklahoma County, State of Oklahoma, *Lyndee Harrison v. State Farm Fire and Casualty Company*, on this the 6th day of November, 2013.

Respectfully submitted,

By /s/Benjamin G. Kemble

David V. Jones, OBA #19611

Benjamin G. Kemble, OBA #21006

21 E. Main St., Suite 101

Oklahoma City, Oklahoma 73104

Telephone: (405) 601-8713

Facsimile: (405) 232-8330

**ATTORNEYS FOR DEFENDANT,  
STATE FARM FIRE AND CASUALTY  
COMPANY**

**OF COUNSEL:  
JONES, ANDREWS & ORTIZ, P.C.**

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 6th day of November, 2014, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants and/or in accordance with the Federal Rules of Civil Procedure:

Mr. Tony Gould  
Brown & Gould, PLLC  
136 N.W. 10th, Suite 200  
Oklahoma City, OK 73103

/s/Benjamin G. Kemble

Benjamin G. Kemble